

REMARKS

By the above amendment, claims 27 - 38 have been canceled without prejudice or disclaimer of the subject matter thereof and new claims 39 - 50 have been presented wherein claims 39 and 45 are new independent claims with the remaining claims depending therefrom. Applicants submit that the newly presented claims recite features not disclosed or taught in the cited art as will be discussed below.

As to the rejection of claims 27 - 38 under 35 USC 112, second paragraph; the rejection of claims 27 - 33 under 35 USC 103(a) as being unpatentable over Fukuda (JP 9-17770-A) in view of Applicant's Admitted Prior Art (AAPA); the rejection of claims 34 - 37 under 35 USC 103(a) as being unpatentable over Fukuda in view of AAPA and further in view of Lue et al (US Patent No. 5,761,023); and the provisional rejection of claims 27 - 38 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 - 11, 14 - 18, 21 of copending application No. 10/372,831 ('831) in view of AAPA and Lue et al; such rejections are considered to be obviated by the cancellation of claims 27 - 38, and such rejections are traversed insofar as they are applicable to the newly presented claims.

At the outset, applicants note that each of independent claims 39 and 45 recite the feature of supplying heat conductive gases to spaces between a rear surface of the specimen and an upper surface of the specimen table, the spaces including a central part and a circumferential part separated by a ring-like protrusion which is disposed on the upper surface of the specimen table and at a position between the central part and the circumferential part of the specimen table which contacts with the rear surface of the specimen. Referring to Figs. 2A and 2B of the

drawings of this application, applicants note that the ring-like protrusion is represented by the protrusion 261, which, as shown in Fig. 2B contacts with the rear surface of the specimen 106. The claims also recite adjusting the pressure of the heat conductive gas at the central part of the spaces to be higher than a pressure of the heat conductive gas at a circumferential part of the spaces so as to provide a predetermined value of a pressure difference therebetween. Irrespective of the contentions by the Examiner, applicants submit that the art cited by the Examiner does not disclose the aforementioned structural arrangement nor the adjustment of pressure of the heat conductive gas at the central part of the spaces, as defined, to be higher than a pressure of the heat conductive gas at a circumferential part of the spaces, as defined, so as to provide a predetermined value of a pressure difference therewith.

Applicants note that the independent claims further recite the feature that the specimen has a plurality of films thereon, as illustrated in Figs. 8A and 8B of the drawings, while reciting the feature that after processing an upper film of the plurality of films on the specimen, as represented by the film 302 in Fig. 8A or the film 306 in Fig. 8B, while maintaining the temperatures of the heat conductive member and the pressures of the heat conductive gases, as illustrated in Figs. 9A and 9B, changing the pressures of the heat conductive gases in the central part and the circumferential part of the spaces while maintaining the temperatures of the cooling mediums, and processing a lower film of the plurality of films on the specimen, as illustrated in Fig. 9A, for example, or changing the pressures of the heat conductive gases in the central part and the circumferential part of the spaces while maintaining the temperatures of the portions of the heat conductive member, and processing a lower film of the plurality of films on the specimen, as again illustrated in such figures.

Irrespective of the contentions by the Examiner, none of the cited art, including AAPA, disclose or teach the recited feature of the independent claims, and applicants submit that such features are also not recited in the claims of the copending application. Thus, applicants submit that the independent claims patentably distinguish over the art and copending application as previously utilized and all claims should be considered allowable thereover.

With regard to the dependent claims, applicants note that the dependent claims recite further features of the present invention as described and illustrated therein and such features are also not disclosed or taught in the art cited by the Examiner including the copending application.

In view of the above amendments and remarks, applicants submit that all claims present in this application patentably distinguish over the cited art and should now be in condition for allowance. Accordingly, issuance of an action of favorable nature is courteously solicited.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 520.42565CX1), and please credit any excess fees to such deposit account.

Respectfully submitted,

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